

REMARKS

Upon entry of the present amendment, claims 1-24, 26, 33, 35 and 37 will remain pending. Claims 25, 27-30, 31, 32, 34 and 36 were previously canceled. No new matter is added by the present amendment.

Claim Rejections – 35 USC §103

Claims 1-3, 5, 6, 8, 9-12, 14, 15, 18, 24, 35 and 37

Claims 1-3, 5, 6, 8, 9-12, 14, 15, 18, 24, 35 and 37 stand rejected under 35 USC §103(a) as allegedly being unpatentable as obvious over US Patent No. 6,973,333 (hereafter “O’Neil”) in view of US Patent Application No. 2005/0285954 (hereafter “Watanabe”). Applicant respectfully traverses.

Independent claim 1, in part, recites “determining *based on a comparison of geographic coordinates* whether the portable digital device is within a *dynamically adjustable* specific geographic region around another portable digital device, *wherein the specific geographic region is dynamically adjustable in response to a change in the location of the other portable digital device.*” Independent claims 1 and 35 recite similar features.

O’Neil is directed to modification of mobile phone operation in vehicles. O’Neill discloses that mobile phones are used to download “region information” which includes a listing of fixed jamming regions in which restrictions on the mobile phones are imposed (Col. 14, ll. 12-18; Col. 8, ll. 10-15; Fig. 5). If a mobile phone is inside a vehicle, then the region information downloaded from the mobile phone is compared to the location of the vehicle. The operation of the mobile phone is restricted when the vehicle (including the phone) is driven inside the fixed jamming region. Importantly, the fixed jamming regions of O’Neil are based on non-portable entities such as municipal boundaries and school locations (Col. 8, ll. 34-36). O’Neil fails to include any mention or example in which the jamming region is dynamically adjusted in response to a change in location of a portable device. Accordingly, O’Neil fails to teach or suggest “wherein the specific geographic region is dynamically adjustable in response to a change in the location of the other portable digital

device,” as recited in the claims of the present application. Watanabe similarly fails to teach or suggest this feature.

Obviously, in O’Neil, the vehicle itself is a portable device. However, the fixed jamming regions of O’Neil are neither determined nor adjusted based on the location of the vehicle. Rather, the vehicle moves in and out of the fixed jamming regions. Moreover, O’Neil discloses modified operation of mobile phones that have “identified themselves to the in-vehicle system” as being within a vehicle (Col. 13, ll. 49-50). Thus, in O’Neil, mobile phones are determined to be within a vehicle *simply by identifying themselves as being within a vehicle* rather than through a comparison of geographic coordinates between the phones and the vehicle. Accordingly, O’Neil does not teach or suggest “determining *based on a comparison of geographic coordinates* whether the portable digital device is within a dynamically adjustable specific geographic region around another portable digital device,” as recited in the claims of the present application. Watanabe similarly fails to teach or suggest this feature.

Accordingly, independent claims 1, 35 and 37 are believed to be nonobvious over the cited references. Claims 2, 3, 5, 6, 8, 9-12, 14, 15, 18 and 24 are dependent on claim 1 and are also believed to be nonobvious over the cited references for at least the reasons set forth above. Withdrawal of the rejections of claims 1-3, 5, 6, 8, 9-12, 14, 15, 18, 24, 35 and 37 as being unpatentable as obvious is thus appropriate and is solicited.

Dependent claims 4, 7, 13, 16, 17, 19-23

Claim 4 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable as obvious over O’Neil in view of US 5,901,342 (hereafter “Heiskari”). Claim 7 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable as obvious over O’Neil in view of US Patent Application No. 2008/0051105 (hereafter “Fomukong”). Claim 13 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable as obvious over O’Neil in view of Watanabe in view of EP 1139684 A1 (hereafter “Cho”). Claim 16 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable as obvious over O’Neil in view of Watanabe in view of US 6,829,429 (hereafter “Aerrabotu”). Claims 17, 19, and 21-22 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable as obvious over O’Neil in view of Watanabe in view of US 2006/0281450 (hereafter “Cocita”). Claims 20 and 23 stand

rejected under 35 U.S.C. §103(a) as allegedly being unpatentable as obvious over O'Neil in view of Watanabe in view of Cocita and US 2001/0018742 (hereafter "Hirai"). Applicant respectfully traverses.

Claims 4, 7, 13, 16, 17, 19-23 are believed to be allowable by virtue of their respective dependencies directly or indirectly from independent claim 1. None of the cited secondary references is alleged, or is believed by Applicant, to disclose "wherein a location of the specific geographic region is based a location of the other portable digital device, and wherein the location of the specific geographic region changes in response to a change in the location of the other portable digital device," as recited in claim 1. Withdrawal of the rejections of claims 4, 7, 13, 16, 17, 19-23 as being unpatentable as obvious is thus appropriate and is solicited.

Claim 26

Claim 26 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable as obvious over O'Neil in view of Hirai. Applicant respectfully traverses.

Claim 26, in part, recites "the first portable digital device sending an inhibiting signal to the second portable digital device to inhibit the attempted transmission of data including the source-identifying signal by said second portable digital device when it is determined ***based on a comparison of geographic coordinates*** that said second portable digital device is located in said ***dynamically adjustable*** specific geographic region around said first portable digital device, ***wherein the specific geographic region is dynamically adjustable in response to a change in location of first portable digital device.***"

As set forth above with respect to the rejections of independent claim 1, O'Neil fails to teach or suggest these features. Hirai similarly fails to teach or suggest this feature.

Accordingly, independent claim 26 is believed to be nonobvious over the cited references. Withdrawal of the rejection of claim 26 as being unpatentable as obvious is thus appropriate and is solicited.

Claim 33

Claim 33 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable as obvious over Cho in view of Hirai. Applicant respectfully traverses.

Claim 33, in part, recites “enabling operation of said imaging function in response to an interrogation or enabling signal from a central station.” The Office Action cites Cho as allegedly teaching this feature. Cho discloses entrance and exit signals for alerting a device when it is entering or exiting an area in which *transmissions* are inhibited. Cho does not teach or suggest that the exit signal causes any *imaging* related functions to be performed. In fact, the Office Action fails to provide any citation to where Cho even mentions the concept of an imaging function. Hirai similarly fails to teach or suggest “enabling operation of said imaging function in response to an interrogation or enabling signal from a central station,” as recited in claim 33.

The above remarks with respect to claim 33 were presented along with Applicant’s previous amendment filed on February 16, 2010. However, the current April 29, 2010 Office Action did not appear to address the above remarks. If the above remarks with respect to claim 33 are not persuasive, then Applicant respectfully requests that the above remarks be addressed in the next Office Action.

Accordingly, independent claim 33 is believed to be nonobvious over the cited references. Withdrawal of the rejection of claim 33 as being unpatentable as obvious is thus appropriate and is solicited.

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PATENT

Conclusion

For at least the reasons set forth above, the claims are believed to distinguish over the cited prior art and to be in condition for allowance. A Notice of Allowability is solicited.

The Commissioner is hereby authorized to charge any fee deficiency, charge any additional fees, or credit any overpayment of fees, associated with this application in connection with this filing, or any future filing, submitted to the U.S. Patent and Trademark Office during the pendency of this application, to Deposit Account No. 23-3050.

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